



ELECTION NEWS

A special informational bulletin
on the implementation of
Michigan election law.

Michigan Department of State - Terri Lynn Land, Secretary of State

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<p>Polling Place Accessibility Grant Program Reopened</p>
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New application period ends on May 1, 2009

Any and all buildings used for polling place locations must meet the accessibility requirements set forth under the Americans with Disabilities Act (ADA). If a building used for a polling place location cannot be made accessible as stipulated under the ADA, the polling place must be moved to a building which meet the ADA accessibility requirements.

In April 2005, the Department introduced the Polling Place Accessibility Improvement Program – a grant program which Michigan's cities and townships can use to recover the costs they incur in making their polling places ADA compliant. The grant program is funded through the Help America Vote Act of 2002 (Title II, Section 261; CFDA 93.617). The Department of State's Bureau of Elections is responsible for overseeing the grant process.

As there are still a number of jurisdictions that could benefit from the grant program and grant funds remain available, a new grant program application period has been opened. The new application window will extend through **May 1, 2009**.

Complete information on the polling place accessibility grant program can be found on the Department of State's Web site www.Michigan.gov/sos. Click on "Elections in Michigan." On the Elections in Michigan page, click on "Information for Election Administrators" and scroll down to "HAVA Compliance Materials."

City and township clerks who have any questions regarding the grant program or the status of a previously submitted grant application are encouraged to contact David Foster of the Michigan Department of State's Bureau of Elections. Phone: (517) 373-2540. Email: FosterD2@Michigan.gov.

Materials Needed to Administer May 5 Election
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The following article outlines the election materials needed for the administration of the May 5 election which are available through the Department of State's Bureau of Elections.

The Department of State's Bureau of Elections is not responsible for supplying election seals for the administration of the May 5 election. If election seals are needed for the election, they must be ordered through a commercial vendor. (The Bureau is responsible for supplying election seals for state and federal elections only.)

Election materials which can be ordered from the Bureau: The following materials can be ordered through the Michigan Department of State's Bureau of Elections if needed. An order form is included with this newsletter for your convenience.

- A. Voter information posters:** A minimum of two copies of the poster must be placed on display in each polling place. The poster complies with the requirements of Michigan election law. (The voter information poster prepared for the May 5 election can also be printed from the Bureau's Web site as explained below.)
- B. Audio version of voter information (cassette tape):** An audio version of the voter information must be available in each polling place. (The audio version of the voter information used during the 2008 election cycle can be used for the May 5 election.)
- C. Braille version of voter information:** A Braille version of the voter information poster must be available in each polling place. (The Braille voter information displays use during the 2008 election cycle can be used for the May 5 election.)

Election materials which are available on the Bureau's Web Site: The following materials needed to administer the upcoming May 5 election can be accessed on the Department of State's Web site www.michigan.gov/sos. To locate the information, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

- A. **Voter information posters:** As noted above, a minimum of two copies of the poster must be placed on display in each polling place. The voter information posters can be printed from the Bureau's Web site. (Legal sized paper is needed to print the poster.)
- B. **Provisional balloting materials:** Every polling place must be supplied with the materials needed to administer Michigan's provisional balloting process. The following materials can be accessed through the Web site: the "Four Step Procedure Form," the notices needed for distribution to voters who are issued a provisional "envelope" ballot, the "Procedure for Handling 'Envelope' Ballots Returned to Clerk's Office," and the "Provisional Ballot Report Form."
- C. **Michigan voter identification implementation materials:** Every polling place must be supplied with the materials needed to administer Michigan's voter identification requirement. The following materials can be accessed through the Web site: Instructions for implementing Michigan's voter identification requirement, "Affidavit of Voter Not In Possession of Photo ID" (English and Spanish), informational notice for voters (English and Spanish) and voter processing flow charts.
- D. **AutoMARK Voter Assist Terminal materials:** The following materials are available: "Accessible Voting Signage," "AutoMARK Election Inspector Guide," "AutoMARK Program Testing Procedures," "Sample Public Accuracy Test Notice," "Voting System Preparation Certificate," 10-minute instructional video and "AutoMARK Troubleshooting Guide."

Plan Ahead for Successful Recounts!

Are you "recount ready"?

While election officials need to be aware of the "tight" races in their area that may result in a recount, all elections should be approached with the view that a recount will be conducted.

A successful recount is a recount where all precincts are fully "recountable." Precincts which are not recountable erode confidence in the integrity of the elections process and reflect badly on the performance of the election officials involved. The careful observance of the following reminders will help to ensure that if a recount is conducted in your jurisdiction, it will be a successful one. Remember: A recount is essentially a public review of how well the election officials and precinct boards involved have performed their duties!

Ballots cast/Poll Book balance: Precinct boards must make every effort to ensure that the number of ballots cast in their precinct matches the number of names entered in the Poll Book to ensure the "recountability" of the precinct after the election. If anything occurs during the course of the day which will affect the precinct's "balance," the election inspectors must make an appropriate notation on the remarks page of the Poll Book. For further information, see

“Accounting for Every Ballot Issued: Important Points to Remember” below.

Ballot container approvals: All ballot containers used to transport and store voted and unvoted ballots must have been inspected and approved by the Board of County Canvassers. Containers which do not carry an approval sticker expiring May 31, 2010 cannot be used. It is important to note that canvass ballot bags have never been approved for use as a ballot container and hence, cannot be used to transport or store voted and unvoted ballots. (As an exception, canvass ballot bags may be used to store voted ballots and election materials during the 22-month federal retention period. The 22-month federal retention period must be observed after elections where candidates for federal offices appeared on the ballot.)

Sealing procedures: All ballot containers used to transport and store voted and unvoted ballots must be properly sealed after the polls close. The serial number appearing on the seal used to secure the ballot container must be recorded in three places: 1) the Poll Book (Election Inspectors Certificate) 2) on the Statement of Votes and 3) on the Ballot Container Certificate.

- Every precinct must be staffed with at least two election inspectors (one Republican; one Democrat) who have been fully trained on the use of election seals and are prepared to ensure that all ballot containers are properly sealed after the polls close.
- If a two-sided ballot container is used to store the ballots, both sides must be properly sealed and both seals must be properly recorded. (The “back door” must be permanently sealed and a completed Ballot Container Certificate bearing 1) the seal serial number 2) the signatures of the election officials who sealed the “back door” and 3) the date the “back door” was sealed must be affixed to the permanent seal. For further information, see “News You Can Use” issue No. 247, issued September 7, 2006.)
- If a tabulator ballot receptacle is used to store the ballots, the top of the receptacle must be sealed with a security lid and any doors which provide access to the receptacle must be sealed even if the doors can be locked with a key. All seals must be properly recorded. (As noted above, a tabulator ballot receptacle cannot be used to store ballots unless it passed a ballot container inspection carried out by the Board of County Canvassers. Tabulator ballot receptacles which do not carry a ballot container approval sticker expiring May 31, 2010 cannot be used to store ballots.)

Accounting for Every Ballot Issued: Important Points to Remember

Precinct inspectors must always remember to check to see if the serial number appearing on the stub of each voter’s ballot matches the number of the ballot issued to the voter before the ballot stub is detached. This step is accomplished when the voter returns the ballot to the precinct board for the removal of the stub.

The precinct inspector removing the ballot stub can accomplish the verification step by calling

out the ballot serial number to the inspector handling the Poll Book; checking the ballot serial number against the Application to Vote (if nearby); or checking the ballot serial number against the Poll Book (if nearby).

If the serial number on the ballot stub does not match the number of the ballot issued to the voter, the inspectors should question the voter and enter the facts in the remarks section of the Poll Book. If the voter cannot give a satisfactory answer, the inspectors should immediately alert the clerk.

Under no circumstances is a voter allowed to leave the polling place with any portion of his or her ballot (including the ballot stub). If a voter attempts to leave the polls with any portion of his or her ballot, the election inspectors should request its return. If the voter refuses to comply with the request, the precinct inspectors must record the facts in the remarks section of the Poll Book.

Precinct boards that faithfully carry out the ballot serial number verification step and keep a careful watch for voters attempting to leave the polls with their ballot will have no problem balancing the number of ballots cast in the precinct against the number of names entered in the Poll Book at the end of the day. Precinct boards that are careless about these responsibilities often find that the precinct is “out of balance” after the close of the polls when it is too late to uncover an explanation. A precinct must be “in balance” in order to be recountable after the election; precincts that are “out of balance” are not recountable.

While the various recordkeeping steps associated with the voter processing procedures and ballot verification check may be rearranged to meet administrative preferences, the adoption of a process which involves the entry of the voter’s name in the poll book before the voter enters the voting station is essential to further promote the accurate accounting of all ballots issued in the precinct.

Establishment and Use of “Receiving Boards” Encouraged

Michigan election law, MCL 168.679a, provides that the legislative body of a city or township may, by resolution, approve the establishment of one or more “receiving boards” to administer any upcoming election scheduled in the jurisdiction.

When established, receiving boards are responsible for ensuring that 1) all ballot containers delivered to the clerk’s office after the polls close are properly sealed 2) all seal numbers are properly recorded and 3) that the number of names entered in the Poll Book balances with the number of ballots counted in the precinct as shown on the Statement of Votes. Given these duties, receiving boards have the ability to correct the sealing and documentation errors that can render a precinct “not recountable” under Michigan’s recount procedures.

Given the critical role receiving boards play in ensuring the “recountability” of precincts, it is important that receiving boards be used for all elections.

Appointment process: If the establishment of one or more “receiving boards” is approved by the jurisdiction’s legislative body, the local election commission must appoint at least two election inspectors to each board. When making the appointments, the election commission must appoint an equal number of election inspectors from each of the two major political parties in the state.

Delivery of materials to receiving boards: At the close of the polls, two election inspectors representing each of the two major political parties are required to deliver to the appropriate receiving board the precinct’s sealed ballot container containing the voted ballots and, in a separate sealed envelope, the Poll Book and Statement of Votes.

Receiving board procedures: Upon the delivery of the ballot container, Poll Book and Statement of Votes, the receiving board is authorized to take the following actions:

- 1) Check to confirm that the ballot container is properly sealed and that the seal number is properly recorded in the Poll Book and on the Statement of Votes. If the ballot container is not properly sealed or the seal number is not properly recorded in the Poll Book or on the Statement of Votes, the election inspectors and the members of the receiving board may take the necessary actions to correct the discrepancy. If the correction of a discrepancy is necessary, the election inspectors and the members of the receiving board must note the discrepancy and the actions taken to correct the matter in the remarks section of the Poll Book. The notation must be signed by the election inspectors and the members of the receiving board.
- 2) Check to confirm that the number of names entered in the Poll Book balances with the number of ballots counted in the precinct as shown on the Statement of Votes. If the number of names entered in the Poll Book does not balance with the number of ballots counted in the precinct and a satisfactory explanation has not been entered in the Poll Book, the receiving board must question the election inspectors on the discrepancy. After questioning the election inspectors, the members of the receiving board must note the explanation provided by the election inspectors in the remarks section of the Poll Book. The notation must be signed by the election inspectors and the members of the receiving board.

After completing the above checks, the members of the receiving board must replace the Poll Book and Statement of Votes in the delivery envelope, seal the envelope with a red paper seal and initial the seal. If permitted by the clerk of the board of canvassers responsible for canvassing the election, the Poll Books and Statement of Votes for multiple precincts may be included in a single delivery envelope.

Actions receiving board can take if Poll Book or Statement of Votes is sealed in ballot container: If the receiving board finds that the Poll Book or Statement of Votes has been sealed in the ballot container, the election inspectors may open the ballot container to remove the Poll Book or Statement of Votes under the receiving board’s supervision. In such an instance, the election inspectors and the members of the receiving board must note the actions taken to correct the matter in the remarks section of the Poll Book. The notation must be signed by the election inspectors and the members of the receiving board. After removing the Poll Book or Statement

of Votes from the ballot container, the election inspectors must reseal the ballot container and record the new seal number in the Poll Book and on the Statement of Votes.

Election Resources Available on Department's Web Site
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A wide variety of election related information and materials can be accessed through the Department's Web site www.Michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators." The information and materials currently available on the Web site include the following:

- Michigan election law.
- February 24, 2009 Voter Information Poster.
- February 24, 2009 election date calendar.
- May 5, 2009 Voter Information Poster.
- May 5, 2009 election date calendar.
- August 4, 2009 election date calendar
- September 15, 2009 village election date calendar.
- 2009 city election date calendar.
- November 3, 2009 election date calendar.
- August 3, 2010 primary and November 2, 2010 general election date calendar.
- Provisional balloting implementation materials.
- Election inspector training materials.
- Michigan voter identification requirement implementation materials.
- AutoMARK implementation materials.
- Archives of previous issues of *Election News* and *News You Can Use*.

Have a Question or Need Assistance?
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If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State's Bureau of Elections. We will be happy to assist in any way possible!

Mailing address: Michigan Department of State
Bureau of Elections
PO Box 20126
Lansing, MI 48901-0726

Phone: (517) 373-2540

Email: elections@michigan.gov

Fax: (517) 373-0941



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

Order Form
-- May 5 Election Materials --

Return form via mail or fax to Ruth Lee, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Fax: (517) 373-0941.

Jurisdiction name: _____

Date: _____ **Submitted by:** _____

Mailing address for supplies: _____

Item

Quantity

Voter information posters*: _____

**Voter information in audio format
(Cassette tape):** _____

Braille version of voter information: _____

Thank you!

* As an alternative, the voter information posters can be printed from the Bureau's website.